



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,865	06/27/2006	R. Justin Price	PHJM0681-008	1507
26948 7590 02/01/2010 VENABLE, CAMPILLO, LOGAN & MEANEY, P.C. 1938 E. OSBORN RD PHOENIX, AZ 85016-7234				
EXAMINER YIP, WINNIE S				
ART UNIT 3636		PAPER NUMBER		
NOTIFICATION DATE 02/01/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@vclmlaw.com

Office Action Summary

Application No.

10/596,865

Applicant(s)

PRICE ET AL.

Examiner

Winnie Yip

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19, 21-23 and 26-30 is/are rejected.
7) ☒ Claim(s) 20, 24 and 25 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This office action is in response to applicant's amendment filed on September 8, 2009.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature "a non-divisible flexible skin" (claim 29) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. In this case, the drawings shown the flexible skin (10) being divided a plurality of sections by stitching.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1, 7, 8, 15, 16, 26-30 are objected to because of the following informalities: in these claims, the term "non-removably connected" is not clear as referring to what direction or element. The rods of the claimed invention appear to be "removable" (i.e., moved backwardly and forwardly) with respect the flexible skin. As better understood, applicant is suggested to change the term to "non-detachably connected". Appropriate correction is required.

3. Claim 28 is objected to because of the following informalities: the term "stored" should read "storable" or "being able to be stored" since the tent as claimed is not only "stored" in the storage device all the time. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. Claims 1-16 and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Holub (US Patent No. 7,025,073).

As claims 1-5: Holub teaches a fast-erecting portable structure (see Fig. 2 as illustrated below) comprising: first and second flexible framing rods (24) each inherently having two ends (24) and a middle, each of the first and second flexible frame rods (24) formed substantially into an inverted U-shape with an apex, the flexible framing rods each having two ends, each end having an end element (56) including a fixed ring (58) being non-removably connected to an anchoring ring (54) being secured to the ground (see Fig. 2), the first and second flexible framing rods (24) crossing each other near apexes of the inverted U-shapes (see Fig. 2) to form a "dome" style tent (see col. 2, line 60-62); a flexible skin (20) slidably connected to the middles of the flexible framing rods by sleeves (26), the flexible skin having fixed flaps (46) non-removably connected to corners of a base of the portable structure, the fixed flaps being non-removably connected to the anchor rings (54), wherein the flexible skin includes the fixed flaps being non-removably connected to the two ends of the first and second flexible framing rods, and the two ends of the first and second flexible framing rods with the fixed flaps act as the base of the portable structure, and wherein the flexible framing rods spring the portable structure fast-erecting into dome shape.

In regard to claims 2-5, Holub teaches the first and second flexible framing rods (24) being slidably connected to the flexible skin by sleeves (26), the sleeves (26) are made of substantially the same material as the flexible skin and are sewn to the flexible skin as claimed.

In regards to claim 6, Holub teaches the portable structure further comprising a fly (22) having fly framing rods (24) (see Fig. 1) having ends non-removably connected to the portable structure, so the fly is non-removably connected to two ends of the fly framing rod but removably connected to the flexible skin of the portable structure by hooks (28) (see Fig. 1, col. 1, lines 53-58).

In regard to claims 7-8, 10, and 15-16, see Fig. 2, Holub teach the structure further comprising a third and a fourth flexible framing rods (24 as shown with hooks 28, see Fig. 2) each formed substantially into an inverted u-shape with an apex at a middle of the rod respectively, the third and fourth flexible framing rods crossing the first and second flexible framing rods (24) respectively near from the apex of the inverted u-shape (as claims 7-8), the third and fourth flexible framing rods crossing the first and second flexible framing rods (24) respectively at a location offset from the apexes where the first and second flexible framing rods (24) cross each other (as claims 15-16), and the flexible skin is removably connected to middles of the third and fourth flexible framing rods by framing rod hooks (28) or loops (Velcro) (not shown) (see col. 3, lines 38) which is non-removably connected to the flexible skin, and the flexible skin non-removably connected to two ends of the rods respectively.

In regard to claims 11 Holub teaches the flexible framing rods being generally made of flexible material as claimed.

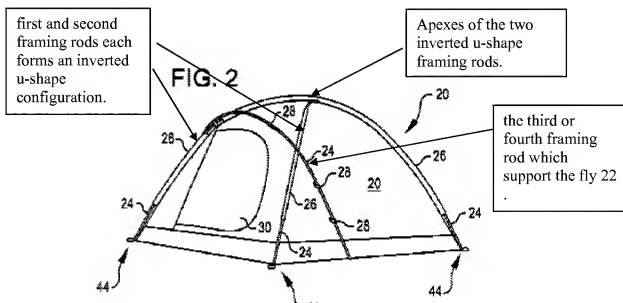
In regard to claim 12, Holub teaches the flexible framing rods (24) being movable independently of each other.

In regard to claim 13, Holub teaches the flexible skin comprising material being canvas or other waterproof, fabric, and stretchable material which is considered to be consisting of nylon and cotton as claimed.

In regard to claim 28, as in combination, Holub teaches a portable structure as discussed above is used for camping outdoor. Therefore, the structure is considered being stored into an any type of storage device when is not used and for transporting to a location.

In regard to claim 29, Holub teaches the flexible skin (20) is capable to be a non-divisible flexible skin.

In regard to claim 30, Holub teaches the first and second flexible framing rods being non-joined to each other and are removable independently of each other.



5. Claims 17 and 21 are rejected under 35 U.S.C. 102(c) as being anticipated by Lindamood (US Patent No. 6,772,883).

Lindamood teaches a storage bag having a front sheet (50) and a back sheets (56) each having an inside surface and an outside face, and a perimeter being connected together by a spacer (52, 54) therebetween, the front sheet (50) having an opening flap perimeter and an opening flap (40) for opening or closing the opening flap perimeter by zipper fasteners (24) along the perimeters of the flap perimeter, wherein a distance between the opening flap perimeter and the front sheet perimeter is generally at least one inch, at least one pocket (34) being formed on an inside surface of the back sheet (56), whereby the storage bag is able to allow a portable structure having flexible framing rods and a flexible skin being stored inside of storage bag, and the first pocket and the second pocket are capable to be oriented to receive ends of the flexible rods while the flexible framing rods are stored inside of the storage bag.

Claim Rejections - 35 USC § 103

6. Claims 1-5, 7-8, 10-16, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe (US Patent No. 5,197,504) in view of Wu (US Patent No. 3,370,145).

Howe teaches a fast-erecting portable structure (10) comprising: a first flexible framing rods (4C) inherently having two ends (9) and a middle, the first flexible frame rod (4C) having the two ends disposed downward to form substantially into an inverted U-shape with an apex (see Fig. 1); a third and fourth flexible framing rods (4A, 4B) each having the first and second flexible framing rods (24) each inherently having two ends (9) and a middle, each of the third

and fourth flexible frame rod (4A, 4B) formed substantially into an inverted U-shape with an apex, the third and fourth flexible framing rods each crosses the first flexible framing rod (4C) near the apex of the first flexible framing rod; a flexible skin (2) slidably connected to the middles of the flexible framing rods by hooks (6), the flexible skin having fixed corner flaps (19) attached to corners of the portable structure, the two ends of the flexible framing rods (4C, 4A, 4B) each having a groove (9) being non-removably connected to the fixed corner flap of the flexible skin (2) respectively, the two ends of each first, third and fourth flexible framing rods with the fixed flaps act as a base of the portable structure, and wherein the flexible framing rods erecting the portable structure quickly upward into a dome-shape, and the flexible framing rods remaining attached to the flexible skin during disassembly and storage, and the flexible framing rods and the flexible skin are folded together in a compact arrangement for storage. Although Howe does not explicitly define the portable structure further comprising a second flexible framing rod having two ends and a middle, and the two ends being disposed downward to form an inverted u-shape with an apex, and the second flexible framing rod crossing the first flexible framing rod near the apexes as claimed, Wu teaches a portable structure comprising a first and a second flexible framing rods (30, 31) each having two ends extending downward to form a inverted u-shape with two ends connected to a base of the structure and the rods cross each other near the apexes to support a flexible skin to form a dome shaped structure. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the portable structure of Howe having a second flexible framing rod and the fourth flexible framing rod extending across the first flexible framing rod near the apexes as taught by Wu for providing a

stronger support to a flexible skin to a dome shaped configuration, and the adding additional member would provide the result being predictable.

Re claims 2-5, although Howe does not define the flexible framing rods being connected to the flexible skin by sleeves, Wu further teaches, as old and know in the art, having the flexible rods being slidably connected to the flexible skin by sleeves which are sewn to the skin. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the portable structure of Howe having a plurality of the sleeves sewn in the flexible skin to slidably conned the flexible frame rods as taught by Wu as old and known in the construction art for remaining the flexible framing rods with flexible skin for quickly erecting or compacting the portable structure.

In regard to claim 12, Howe teaches the flexible framing rods (4A, 4B, 4C) being movable independently of each other (see Fig. 2).

In regard to claim 13, Howe teaches the flexible skin made of material being canvas or other waterproof, fabric, and stretchable material which is considered to be consisting of nylon and cotton as claimed.

In regard to claim 28, Howe teaches the tent is inherently stored into a storage device when is not used.

In regard to claim 29, Howe shows the flexible skin (2) is a non-divisible flexible skin.

In regard to claim 30, Howe shows the flexible framing rods each is a single piece and is non-joined to each other.

7. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe (US Patent No. 5,197,504) in view of Wu (US Patent No. 3,370,145), and further in view of Ransom et al. (US Patent No. 7,040,333).

Howe disclose a portable structure as modified by Wu comprising structural limitations as claimed as explained above rejections except Howe does not defined a portable structure system including a storage bag for storing the portable structure, the storage bag having an interior pocket and the flexible framing rods and flexible skin being coiled and stowed inside the storage bag as claimed. Ransom et al. teaches a portable structure comprising plurality of flexible framing rods (12) and a flexible skin (40 or 15) supported by the rods to form a dome shape configuration in an erected position, the flexible framing rods (12a-12d) being able to coiled into small sizes for storing, and a storage bag (60) having a front sheet, a back sheet, and a spacer connected therebetween to define an interior pocket between the front and back sheets, and a zipper connected between the front and back sheets for closing and opening the interior pocket, and the folded portable structure being inserted and zippered inside of the storage bag for storing. It would have been obvious to one ordinary skill in the art to modify the portable structures of Howe having the flexible framing rods being made of coilable material to be coiled into small sizes as taught by Wu and having a storage bad having an interior pocket, and the tent can be coiled and stowed inside of the storage bag as taught by Ransom et al. for easily storing the portable structure in a compact position for being easily transported.

8. Claims 17-19, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camara (US Patent No. 5,937,883) in view of Rosen et al. (US Patent No. 6,382,376).

Camara teaches a storage bag (16) having a front sheet with a front sheet perimeter and a back sheet with a back sheet perimeter, each front and second sheet having an inside surface and an outside face, and the front and back sheet perimeters being connected together by a spacer to define an interior region (22), the front sheet having an opening flap perimeter having a sealing structure such as zipper fasteners (38) for opening and closing the opening flap perimeter, a distance being formed between the opening flap perimeter and the front sheet perimeter generally, at least one pocket (28) being formed on an inside surface of the back sheet and a second pocket (26) being formed on the first front sheet, whereby a portable structure including flexible framing rods (14) and a flexible skin (12) are capably stored inside of storage bag, and the first pocket and second pocket are capable to be oriented to receive ends of the framing rods while the flexible framing rods are stored inside of the storage bag. Although Camara does not explicitly define the storage bag having the distance between the opening flap perimeter and the front sheet perimeter being at least one inch, it would have been obvious matter of design choice to modify the storage bag of Camara having the distance between the opening flap perimeter and the front sheet perimeter being at least one inch as claimed since applicant has not disclosed that having the distance being this specific length solves any stated problem or is for any particular purpose and it appears that the storage bag of Camara as combined with Rosen et al. would perform equally well with a such distance formed on the front sheet generally at least one inch as claimed for providing a sufficiently cover to the interior region for retaining a subject element such as a rod placed inside of the interior region of the storage bag as old and known method in the construction art.

Further, although Camara does not explicitly define the storage bag having the sealing structure including an opening flap for opening and closing the opening flap perimeter as claimed, Rosen et al. teach a storage bag (10) having an interior (26) formed by a body including a front sheet having an opening flap perimeter (30), an opening flap (20), and a sealing structure such a zipper (18, 22) attached along the edges of the opening flap perimeter and an edge of the opening flap for opening and closing an interior of the storage bag. It would have been obvious to one ordinary skill in the art to modify the storage bag of Camara having an opening flap attached to a front sheet to provide a seal structure for opening and closing the opening flap perimeter by suitable sealing fasteners such as zipper as taught by Rosen et al. easily and quickly closing and opening an opening flap perimeter formed on the storage bag.

In regard to claims 22-23, although Camara as modified by Rosen et al. does not explicitly define the storage bag having a configuration in a shape of a circular or an elongated circular disk, Camara defined shows the storage bag may alternatively have a variety configurations and shapes. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to vary the shape of the configuration of the storage bag as circular disk or elongated circular disk as claimed because to do so would merely involve a matter of obvious design choice to achieve a desirable appearance for a variety of applications.

9. Claims 17-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell, III (US Patent No. 7,111,714) in view of KJose (US Patent No. 4,182,391).

Bell, III teaches a storage bag having a front sheet (14) and a back sheets (20) each having an inside surface and an outside face, and each having a sheet perimeter being connected

together by a spacer (18) therebetween, the front sheet (14) having an opening flap perimeter and an opening flap (22) for opening or closing the opening flap perimeter by zipper fasteners along the opening flap perimeter and the edge of the opening flap, wherein a distance is formed between the opening flap perimeter and the front sheet perimeter, whereby the storage bag is able to allow a portable structure having flexible framing rods and a flexible skin being stored inside of storage bag, and storage bag having a configuration in a shape of an elongated circular disk. Although Bell, III does not explicitly define the distance between the opening flap perimeter and front sheet perimeter is generally at least one inch, Bell, III shows the distance substantially having at least one inch. Since applicant does not indicate, However, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to create optimal dimensions for the distance between the front sheet and the flap to provide sufficiently support to the flap to be easily open and closed, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch, 617F.2d272,205 USPQ 215(CCPA 1980).*

Further, although Bell, III is silent there are pockets formed in the inner surfaces of the front and back sheets respectively. KJose teach a storage bag comprising a front sheet (12) and a back sheet (11), and pockets (i.e., 30, 28, 26) formed on an inner surfaces of the front sheet (12) and the back sheet (11) near the sheet perimeter for holding suitable elements placed inside of the storage bag. It would have been obvious one ordinary skill in the art at the time the invention was made to form the storage bag of Bell, III having a first and second pockets being connected to the front and back sheets near the sheet perimeters respectively as taught by KJose for retaining and holding a stored element inside of the storage as known in the art.

In regard to claim 22, although Bell, III as modified by Kjose does not explicitly define the storage bag having a configuration in a shape of a circular disk, Bell, III shows the storage bag having a configuration in a shape of an elongated circular disk. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to vary the shape of the configuration of the storage bag of Bell, III as modified by Kjose having a circular disk as claimed because to do so would merely involve a matter of obvious design choice to achieve a desirable appearance for a variety of applications.

Allowable Subject Matter

10. Claims 24-25 are allowed.
11. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments filed on September 8, 2009 have been fully considered but they are not persuasive.

A. In regard to applicant's argument that the claimed invention does not anticipated by Holub '073 because of that

(1). In regard to claim 1-5, applicant argues that Holub includes the first and second flexible framing rods that are "typically straight" which are different from the claimed invention

which claims the first and second flexible framing rods **formed** substantially into an inverted u-shape, this is not persuasive. Applicant has an improper interpretation. Holub also teaches the “typically straight” flexible framing rods each having two ends, the rods are bend down with the ends being secured to the ground to form a “dome-type of tent”. Therefore, each of flexible framing rods of Holub is **“formed substantially an inverted u-shape”** as claimed.

(2). Applicant argues that Holub is not anticipated the claimed invention because of it includes three poles, but the claimed invention only requires first and second rods, it is not found persuasive. First, applicant claims first and second flexible framing rods and also claims third and fourth flexible framing rods. Therefore, the structure is able to have more than first and second rods as applicant argued. Second, applicant claims a portable structure “comprising” features. The transitional term “comprising”, which is synonymous with “including,” “containing,” or “characterized by,” is inclusive or open-ended and does not exclude additional, unrecited elements or method steps. *See, e.g., Genentech, Inc. v. Chiron Corp.*, 112F.3d495, 501, 42USPQ2d 1608, 1613 (Fed. Cir. 1997). The fact that it discloses additional structure not claimed is irrelevant.

(3). Applicant argues that Holub ‘073 does not teach the tent being “non-removably connected to the poles as claimed invention, it is not deemed persuasive. Reading a claim in light of the specification to their interpret limitations explicitly recited in the claim, is a quite different thing from reading limitations of the specification into a claim to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim. *In re Prater*, 415 F2d 1393, 162 USPQ 541 (CCPA 1969). Applicant cannot rely on the specification to impart to the claims limitations not recited therein. Such reliance is ineffective

to define over the prior art. *In re Lundberg*, 244 F2d 543, 113 USPQ 530 (CCPA 1957); *In re Winkhans*, 188 USPQ 129 (CCPA 1975). In this case, Applicant claims the tent **comprising** a flexible skin being "**non-removably** connected to the **two ends** of the flexible framing poles". As discussion above rejections, Holub teaches the tent comprising flexible framing rods (24) each having two ends (24A as same the prior art figure) having an end element/ attachment (58) being fixed to a ring (54), a flexible skin (20) having a fixed flaps (or call webbing loop (46) being "non-removably connected" to the ring (54). Therefore, the skin of Holub's tent is considered to be "non-removably" connected to **the end of the rod** as claimed. Notice, applicant does not claim the flexible framing rod being unitary or a single piece of rod. So, the rod may include several pieces including the end element. Therefore, Holub teaches a portable structure broadly read on the claimed invention.

(4). In regard to claims 7-8, 5-16, 29, applicant argues Holub only discloses three poles (24), it is not persuasive. Although Holub only describe the tent having three poles (as shown in Fig. 2), but as shown in Fig. 1, Holub clearly teaches the structure may have the fourth pole or more that cross the first and second poles to support the fly 22 as claimed.

(5). In regard to claim 12, applicant argues the Holub does not include all elements in claims 7 and 13, it is not persuasive. As discussed above, Holub teaches the third pole (24) cross the first and second poles "near" or "offset" the apex. The poles are not fixedly connected to each other, therefore the poles are considered to be able to move independently of each other.

(6) In regard to claim 13, Holub teaches the flexible skin is generally made fabric material such as canvas or other material that is stretched. Therefore it is a material that in the group such as cotton and nylon as claimed.

(7) In regard to claim 28, applicant argues that Holub does not teach a tent having a storage device, and Holub does not teach the tent "automatically springs into a shape when release form the storage". It is not persuasive. First, applicant does not claims the tent "automatically" springs into a shape. Applicant does not claim what type of storage device and not operative relative ship to define how the tent structure is stored inside of the storage device. Holub teaches a tent is for camping outdoor (see col. 1, lines 11-15), so the tent is considered to be stored in any type of storage device to be transferred to a location. A know feature is not necessary shown. Holub further teaches the tent being "free standing" and comprising long poles being flexible. Therefore, the fast-erecting tent of Holub is spring into "dome-shape" by the poles after released from the storage device. Therefore, Holub's structure is broadly read on claimed invention.

(8) In regard to claim 30, applicant argues that Holub does not teach the poles are "non-jointed", as discussed above rejection, applicant does not claim how the poles being "non-jointed". Holub's tent having poles are "non-jointed" to each other, so is broadly read on the claimed invention.

Therefore, the rejection to Holub is sustained.

13. Applicant's arguments with respect to Kramer and Schweizer have been fully considered and are deemed persuasive. The rejections to Kramer and Schweizer have been withdrawn.

Citations

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Viglione '707 teaches a portable structure comprising flexible framing rods being

non-removably connected to a flexible skin as similar to the claimed invention. McConnell '050 teaches various portable structure comprising flexible framing rods and a flexible skin being folded together and stored in a circular storage bag as similar to the claimed invention. Stanley '320, Boretz '565, and Godshaw et al. '565 teach various storage bags having a flap formed on a front sheet for opening and closing an enclosure as similar to the claimed invention. Lowe' 222 and Hassett '522 teach various storage bags having a circular configuration as similar to the claimed invention.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Winnie Yip/
Primary Examiner,
Art Unit 3636

wy
December 29, 2009